IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

MARC BEVAND,	)	
	)	
Plaintiff,	)	
	)	
v.	)	**Case No. 4:16-cv-1115-FJG**
	)	
BF LABS INC., et al.,	)	
	)	
Defendants.	)	

PROPOSED SCHEDULING ORDER AND DISCOVERY PLAN

Pursuant to Fed. R. Civ. P. 26(f) and Local Rule 16.1, the parties held a conference on March 3, 2017. In accordance with Rules 16(b) and 26(f), Fed. R. Civ. P. and Local Rules 16.1 and 26.1, the parties have agreed to the following joint proposed discovery plan and scheduling order, subject to approval by this Honorable Court.

1. The parties shall exchange Rule 26(a)(1) disclosures on or before March 17, 2017.

2. All motions to amend pleadings or to join additional parties shall be filed on or before May 31, 2017.

3. The Plaintiff shall designate any expert witness and produce accompanying expert reports, if any, on or before June 2, 2017.

4. The Defendants shall designate any expert witnesses and produce accompanying expert reports, if any, on or before July 3, 2017.

5. The Plaintiff shall designate any rebuttal expert witnesses, and produce accompanying expert reports, if any, on or before July 24, 2017.

6. All pretrial discovery shall be completed on or before August 31, 2017.

7. All dispositive motions shall be filed on or before September 15, 2017.

8. All *Daubert* motions shall be filed on or before September 15, 2017.

9. The parties propose a jury trial setting starting December 4, 2017, and anticipate requiring 4–5 days for trial.

10. The parties do not propose any additional limitations on discovery than found in the Federal Rules of Civil Procedure.

11. The parties believe that discovery need not be conducted in phases.

12. No discovery has been conducted to date. The parties anticipate engaging in written discovery and depositions.

13. Depending upon the nature of the discovery sought, the parties may seek to enter into an agreed protective order to maintain confidentiality of certain records or testimony. The parties do not anticipate any privilege issues. However, in accordance with the Court's Rule 502(d) Model Order, the parties agree that if information produced in discovery is subject to a claim of privilege or of protection as trial-preparation material, the party making the claim may notify any party that received the information of the claim and its basis. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The producing party must preserve the information until the claim is resolved.

14. The parties have discussed electronically stored information (ESI). Defendants have informed Plaintiff that there is an existing ESI protocol and document repository for other cases involving claims similar to those in this case. If discovery related to plaintiff's claims is sought that includes ESI, then the parties anticipate following this existing ESI protocol and making use of the existing document repository for ESI in this case.

DATED: March 20, 2017

Respectfully submitted,

/s/ Alex Braitberg

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed via the Court's Electronic Filing System this 20th day of March, 2017, which will send a notice of electronic filing to all counsel of record.

/s/ Alex Braitberg